

7A Am. Jur. 2d Automobiles § 17

American Jurisprudence, Second Edition | November 2021 Update

Automobiles and Highway Traffic

Barbara J. Van Arsdale, J.D.; Keith A. Braswell, J.D., of the staff of the National Legal Research Group, Inc.; George Blum, J.D.; John Bourdeau, J.D.; Paul M. Coltoff, J.D.; John A. Gebauer, J.D.; Noah J. Gordon, J.D.; Mary Babb Morris, J.D., of the staff of the National Legal Research Group, Inc.; Karl Oakes, J.D.; and Eric C. Surette, J.D.

I. In General

C. Regulation, in General

2. Who May Regulate Motor Vehicles

§ 17. Federal regulation

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Automobiles](#) 5(1)

A.L.R. Library

Judicial review of orders under National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C.A. secs. 1381 et seq.),
18 A.L.R. Fed. 610

Validity and construction of safety standards issued under National Traffic and Motor Vehicle Safety Act of 1966, as amended
(15 USC secs. 1381 et seq.), 6 A.L.R. Fed. 988

The power of the federal government to regulate interstate commerce¹ gives it control over motor vehicles engaged in business between one state and another in the same degree as such control exists as to any other class of vehicles engaged in the same occupation.² Examples of such federal regulation include the Motor Vehicle Safety Act³ whose purpose is to reduce traffic accidents and deaths and injuries from traffic accidents.⁴ The Act states that it is necessary to prescribe motor vehicle safety standards for motor vehicles and motor vehicle equipment in interstate commerce,⁵ and to carry out needed safety research and development.⁶ The Highway Safety Act establishes various programs and improvements,⁷ including in-vehicle alcohol detection device research.⁸ The National Driver Registry Act establishes a central national clearinghouse for information on drivers,⁹ and the National Motor Vehicle Title Information System establishes a national clearinghouse of information on motor

vehicle titles.¹⁰ There are also statutes requiring state participation in an international registration plan and an international fuel tax agreement.¹¹ Congress has also enacted legislation dealing with theft prevention of motor vehicles.¹² In addition, under federal law the Secretary of Transportation must maintain a program for developing consumer information on passenger motor vehicles.¹³ In this connection, it should also be remembered that the purpose of the Consumer Product Safety Act is to protect the public against unreasonable risks of injury associated with consumer products, to assist consumers in evaluating the comparative safety of consumer products, to develop uniform safety standards for consumer products and to minimize conflicting state and local regulations, and to promote research and investigation into the cause and prevention of product-related deaths, illnesses, and injuries.¹⁴

There is also a statute providing for the withholding of apportionments to states that do not meet specified requirements regarding the operation of motor vehicles by intoxicated minors.¹⁵

Congress, in the exercise of its power to regulate interstate commerce, can require a municipality to permit interstate commerce by motor vehicles to pass over its streets.¹⁶ However, Congress has no general power to enact police regulations operative within the territorial limits of a state, and it generally cannot take the power to enact such regulations from the states or attempt any supervision over regulations of the states established under the police power.¹⁷ Nonetheless, once it is assumed that the general subject of a controversy is properly within the scope of the enumerated powers granted to the federal government, that government has broad powers to prescribe police regulations concerning such subjects just as a state government would have concerning a subject within its reserved powers.¹⁸

The federal government, through Acts of Congress, may regulate and control the operation of motor vehicles insofar as they are acting as governmental agencies in performing governmental functions or duties.¹⁹ In this regard, there are statutes authorizing the establishment of pools and transportation systems for government motor vehicles,²⁰ and statutes providing safety standards for motor vehicles acquired by the federal government.²¹

Congress has properly delegated to the commissioners of the District of Columbia the power to regulate the movement of vehicles on the public streets thereof.²²

© 2021 Thomson Reuters. 33-34B © 2021 Thomson Reuters/RIA. No Claim to Orig. U.S. Govt. Works. All rights reserved.

Footnotes

- 1 U.S. Const. Art. I, § 8.
- 2 *Adair v. U.S.*, 208 U.S. 161, 28 S. Ct. 277, 52 L. Ed. 436 (1908) (overruled in part on other grounds by, *Phelps Dodge Corp. v. N.L.R.B.*, 313 U.S. 177, 61 S. Ct. 845, 85 L. Ed. 1271, 133 A.L.R. 1217 (1941)).
- 3 49 U.S.C.A. §§ 30101 et seq.
- 4 49 U.S.C.A. § 30101.
- 5 49 U.S.C.A. § 30101(1).
- 6 49 U.S.C.A. § 30101(2).
- 7 23 U.S.C.A. §§ 401 et seq.
- 8 23 U.S.C.A. § 403.
- 9 49 U.S.C.A. §§ 30301 et seq.
- 10 49 U.S.C.A. §§ 30501 et seq.
- 11 49 U.S.C.A. §§ 31701 et seq.
- 12 49 U.S.C.A. §§ 33101 et seq.
- 13 49 U.S.C.A. § 32302.
- 14 Am. Jur. 2d, Products Liability § 1889.

15 23 U.S.C.A. § 161.
16 City of Chicago v. Atchison, T. & S. F. Ry. Co., 357 U.S. 77, 78 S. Ct. 1063, 2 L. Ed. 2d 1174 (1958).
17 U.S. v. Dewitt, 76 U.S. 41, 19 L. Ed. 593, 1869 WL 11569 (1869).
18 Am. Jur. 2d, Constitutional Law § 343.
19 Johnson v. State of Maryland, 254 U.S. 51, 41 S. Ct. 16, 65 L. Ed. 126 (1920).
20 40 U.S.C.A. §§ 601 et seq.
21 40 U.S.C.A. §§ 17101 et seq.
22 White v. District of Columbia, 4 F.2d 163 (App. D.C. 1925).